

To promote the interests of judicial economy, a district court may raise the doctrine of res judicata sua sponte. Holloway Construction Co. v. United States Department of Labor, 891 F.2d 1211, 1212 (6th Cir. 1989). An action will be barred under res judicata where (1) prior litigation involved the same parties or their privies, (2) the prior litigation was terminated by a final judgment on the merits, and (3) the prior litigation involved the same claim or cause of action as the present lawsuit. Hydranautics v. Film Tec Corporation, 204 F.3d 880 (9th Cir. 2000).

Upon review of the complaint, Plaintiff's claims are clearly barred by the doctrines of res judicata and collateral estoppel. Plaintiff attached a copy of a final judgment for the Defendants that was entered in a similar action in the Circuit Court for Davidson County, Tennessee by the Honorable Thomas W. Brothers. (Docket Entry No. 1-1, Final Judgment). At the frivolity hearing, the Court determined Plaintiff's claims here are identical to Plaintiff's claims in that prior state court action. As such, Plaintiff's claims are barred by the doctrine of res judicata. Additionally, any additional new matters against these Defendants are barred by the doctrine of collateral estoppel. Allen v McCurry, 449 U.S. 90, 94 (1980).


For the above stated reasons, Plaintiff's claims are **DISMISSED with prejudice** for failure to state a claim.

This is the Final Order in this action.

Any appeal of this action would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

It is so **ORDERED**.

ENTERED this the 26th day of May, 2010.


WILLIAM J. HAYNES, JR.
United States District Judge